

STATE OF WASHINGTON

RICHARD G. (DICK) MARQUARDT
STATE INSURANCE COMMISSIONER

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CHIEF DEPUTY



REPLY TO:
OLYMPIA OFFICE
INSURANCE BUILDING
OLYMPIA, WASHINGTON 985
753-7300, AREA CODE 206

OFFICE OF
INSURANCE COMMISSIONER

BULLETIN

No. 91-2

February 1, 1991

Subject: NONCOMPLIANCE WITH MANDATED OFFERINGS & MANDATED BENEFITS,
INCLUDING AN OFFERING OF BENEFITS FOR TEMPOROMANDIBULAR
JOINT (TMJ) DISORDERS

1. The 1989 legislature added sections to Title 48 RCW mandating an offering of TMJ benefits. These statutes apply to those disability insurers, health care service contractors, and health maintenance organizations offering either group medical benefits or group dental benefits in Washington. They became effective on January 1, 1990. The statutes may be found at RCW 48.21.320, 48.44.460, and 48.46.530.
2. Some disability insurers, health care service contractors, and health maintenance organizations are not complying with the legislative requirement for a mandated offering of group TMJ benefits. Their policy form filings do not conform to the law.
3. According to the 1989 legislation, the Insurance Commissioner is required to report to the legislature concerning the mandated offering of TMJ benefits by July 1, 1991. If the Commissioner finds that disability insurers, health care service contractors, and health maintenance organizations have not offered meaningful and reasonably priced TMJ group coverage, the Commissioner shall include legislative recommendations about this in his report.
4. Some life and disability insurers are also not complying with other mandated offerings and mandated benefits in their filings. We expect the following:
 - a. Whenever a mandated offering or benefit is to become effective on a future date, there must be a specific filing with contract language including that offering or benefit;
 - b. That filing must be filed before the effective date for that offering or mandated benefit.
5. All provisions of a filing must conform to the legislative requirement of a mandated offering or a mandated benefit. This includes, but is not limited to, those sections listing benefits, definitions, and exclusions.

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6. It is not sufficient to state that a claim for a mandated offering or mandated benefit "will be handled administratively" or that "it will be handled like any other illness." There must be a timely filing in accordance with the requirements described above.
7. Failure to provide a mandated benefit, or to make a mandated offering, is punishable by a fine, as is any violation of the insurance code. RCW 48.01.080, 48.44.166, and 48.46.135. Also, the Commissioner has the authority to disapprove, or to withdraw approval of, any form of policy not in compliance with applicable legal requirements of Washington law. RCW 48.18.100, 48.44.020, and 48.46.060.
8. For your information, attached Exhibit "A" is a list of some commonly overlooked mandated benefits and mandated offerings required by Washington law as of the date of this Bulletin. There are other statutory requirements relating to eligibility, continuation of coverage, and conversion rights. These must also be addressed contractually. It is the responsibility of all insurance companies, health care service contractors and health maintenance organizations doing business in Washington to keep themselves informed as to all current statutory and regulatory requirements, and to comply with those. It is also their responsibility to determine whether S.B. 6834, "Basic Health Benefits for Small Businesses," limits their obligation to provide certain mandated benefits or mandated offerings. That Act is codified at RCW 48.21.045, 48.44.023, and 48.46.066.

DICK MARQUARDT
INSURANCE COMMISSIONER

Attachment

Exhibit "A"

**BENEFITS & PROVISIONS MANDATED BY TITLE 48 RCW INCLUDING MANDATED OFFERINGS
AS OF NOVEMBER 1, 1990**

MANDATED BENEFIT OR PROVISION	DISABILITY INSURERS	HEALTH CARE SERVICE CONTRACTORS	HEALTH MAINTENANCE ORGANIZATION
Chemical Dependency	RCW 48.21.180	RCW 48.44.240	RCW 48.46.350
Home Health Care and Hospice	48.21.220	48.44.320	n/a
Mammography Benefits	48.20.393 48.21.225	48.44.325	48.46.275
Reconstructive Breast Surgery	48.20.395 48.21.230	48.44.330	48.46.280
Mental Health Treatment	48.21.240	48.44.340	48.46.290
Prenatal Diagnosis of Congenital Disorders	48.21.244	48.44.344	48.46.375
Phenylketonuria Formulas	48.20.520 48.21.300	48.44.440	48.46.510
Neurodevelopmental Therapies	48.21.310	48.44.450	48.46.520
Temporomandibular Joint Disorder Benefits	48.21.320	48.44.460	48.46.530